

# PLANT PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

0117.96

Total Pages in this Submission

3

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new plant patent application for an invention entitled (include plant's name):

Plum Tree Named 'C5'

and invented by:

Ralph Scorza  
Michel Ravelonandro  
Dennis Gonsalres

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee
2. ☒ Specification having 11 page(s) (2 copies required - 37 CFR 1.163(b))  
and including the following:
  - ☒ Descriptive title of the Invention (with Plant's name)
  - ☐ Cross References to Related Applications (if applicable)
  - ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - ☒ Background of the Invention
  - ☒ Brief Summary of the Invention
  - ☒ Brief Description of the Drawings
  - ☒ Detailed Botanical Description
  - ☒ Claim (only one (1) permitted MPEP 1605)
  - ☒ Abstract of the Disclosure

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**Application Elements (Continued)**

3. ☒ Drawing(s) in duplicate *(as prescribed by 35 USC 165 and 37CFR 1.165(b))*

☐ Drawings: ☐ Color ☐ Black and white

☒ Photographs: ☒ Color ☐ Black and white

Total Sheets: 6

4. ☒ Oath or Declaration

☐ Newly executed (original or copy) ☒ Unexecuted

☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*

☒ With Power of Attorney ☐ Without Power of Attorney

☐ DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**Accompanying Application Parts**

6. ☐ Plant Color Coding Sheet

7. ☐ Assignment Papers (cover sheet & document(s))

8. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*

9. ☐ English Translation Document *(if applicable)*

10. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations

11. ☐ Preliminary Amendment

12. ☒ Acknowledgment postcard

13. ☐ Certificate of Mailing

☐ First Class ☐ Express Mail *(Specify Label No.):* \_\_\_\_\_

14. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

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**Accompanying Application Parts (Continued)**

15. ☐ Additional Enclosures (please identify below):

**Fee Calculation and Transmittal**

The filing fee for this plant patent application is calculated and transmitted as follows:

<b>BASIC FEE</b>	<b>\$490.00</b>
<b>OTHER FEE (specify purpose)</b> _____	<b>\$0.00</b>
<b>TOTAL FILING FEE</b>	<b>\$490.00</b>

- ☐ A check in the amount of \_\_\_\_\_ to cover the total filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **21-0414** as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of **\$490.00** as filing fee.
  - ☐ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: *August 31, 2001*

*James S. Brister*  
\_\_\_\_\_  
Signature



**25295**

PATENT TRADEMARK OFFICE

CC:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Ralph Scorza

Title

Plum Tree Named 'C5'

Atty Docket Number

0117.96

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8-31-01

Date



Signature

Janelle S. Graeter

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.